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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,946	05/02/2001	Michael J. May	PPI-119	6173
959	7590	10/03/2003	EXAMINER	
LAHIVE & COCKFIELD			DESAI, ANAND U	
28 STATE STREET			ART UNIT	PAPER NUMBER
BOSTON, MA 02109			1653	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/847,946	<b>Applicant(s)</b> MAY ET AL.	
	<b>Examiner</b> Anand U Desai	<b>Art Unit</b> 1653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 01 October 2003.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-13 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to anti-inflammatory compounds comprising

X<sub>a</sub>-Y<sub>n</sub> (1 to 3 amino acids)-Xaa<sub>1</sub> Xaa<sub>2</sub> Xaa<sub>3</sub> Xaa<sub>4</sub> Xaa<sub>5</sub> Xaa<sub>6</sub>-A<sub>m</sub> (1 to 3 amino acids), wherein Xaa<sub>1</sub> is Leu, Ala, Ile or Nor-leucine; Xaa<sub>2</sub> is Asp, Glu, Asn, Gln, homoserine, or 2-ketopropylalanine; Xaa<sub>3</sub> is Trp, Phe, Tyr, 4-biphenyl-Alanine, homophenylalanine, 2-Naphthylalanine, 1-Naphthylalanine, or cyclohexyl-alanine; Xaa<sub>4</sub> is Ser, Ala, Glu, Leu, Thr, nor-leucine, or homoserine; Xaa<sub>5</sub> is Trp, His, homophenylalanine, 2-Naphthylalanine, 1-Naphthylalanine, O-benzyl serine, or 3-Pyridylalanine; Xaa<sub>6</sub> is Leu, Ala, Ile, or nor-leucine, classified in class 530, subclass 300.

At least 37,632 peptides are set forth in the formula presented in Claim 3. These peptides differ in structure because the sequences provided in these claims comprise non-conservative amino acid substitutions. If anyone of inventions is elected, the elected invention will only be examined in-so far as it pertains to the sequences listed therein. This is not a species election. Applicants must also provide the sequence that they wish to be examined. Because the peptides are considered patentably distinct, this is NOT a species election.

If anyone of Inventions is elected, and sequences of the other inventions happens to be found in the search of the elected invention, the Examiner will rejoin the invention comprising the found sequence with the elected Invention.

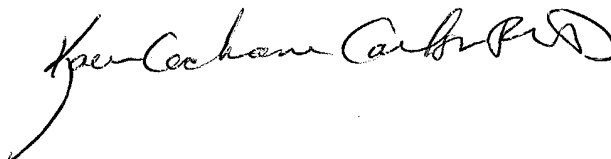
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand U Desai whose telephone number is (703) 305-4443. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0198.

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October 1, 2003



KAREN COCHRANE CARLSON, PH.D.  
PRIMARY EXAMINER